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October 8, 2015

**By ECF**

The Hon. Lorna G. Schofield, U.S.D.J.  
United States District Court,  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Kriss et al. v. Bayrock Group et al.*  
**10 Civ. 3959 (LGS) (FM)**

Dear Judge Schofield:

I write on behalf of Plaintiffs in the above-referenced matter. The Objections to Chief Magistrate Judge Frank Maas' August 13, 2015 Report & Recommendation (the "Objections") filed by Defendant Felix Satter (aka Felix Sater) ("Sater") on September 14, 2008 (ECF No. 182), are presently under review by the Court.

On Tuesday, October 6, 2015, counsel for Sater, Robert S. Wolf, improperly filed a self-styled "Reply Memorandum" in opposition to the Response of Plaintiffs to the Objections, which Plaintiffs filed on September 28, 2015. (*See* ECF No. 191). Fed. R. Civ. P. 72, which governs objections to the rulings of federal magistrate judges, only provides for the filing of (1) objections to such a ruling, and (2) a response to such objections. Moreover, neither the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, nor Your Honor's Individual Practices in Civil Cases, provide for any "reply" filing in the objection process. (*See* Ex. 1 hereto). As Mr. Wolf has filed a submission not permitted under the relevant rules, and failed to request that the Court allow his client to do so in advance of the filing, Plaintiffs submit that the Court should reject Sater's "Reply Memorandum," and disregard its contents.

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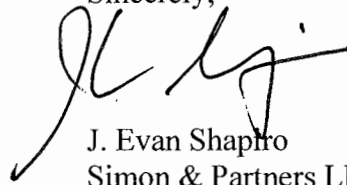
The Hon. Lorna G. Schofield, U.S.D.J.

October 8, 2015

Page 2

Mr. Wolf's improper filing is of a piece with his client's ongoing, desperate campaign to stall this action now that Chief Magistrate Judge Frank Maas has recommended that Plaintiffs be allowed to pursue their claims on the merits. As the Court is aware, that campaign includes Sater's recent threats concerning Mr. Kriss' grandfather and his funeral.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Evan Shapiro', is written over the typed name.

J. Evan Shapiro  
Simon & Partners LLP

*Attorneys for Plaintiffs Jody Kriss  
and Michael Chu'di Ejekam*